

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:

CASES ASSIGNED TO  
JUDGE MICHAEL L. BROWN

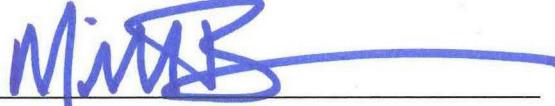
**NOTICE REGARDING FLSA CASES**

This action is brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* Under the FLSA, there are only two routes for compromise of FLSA claims. “First, under section 216(c), the Secretary of Labor is authorized to supervise payment to employees of unpaid wages owed to them.” *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982). Alternatively, employees’ claims may be compromised in a private FLSA action for back wages only after the district court reviews and approves the proposed stipulated judgment or settlement agreement “after scrutinizing the settlement for fairness.” *Id.*; *see also Rakip v. Paradise Awnings Corp.*, 514 F. App’x 917, 919–20 (11th Cir. 2013) (“Lynn’s Food does not stand for the proposition that any valid settlement of a FLSA claim must take a particular form. It only means that the district court must take an active role in approving the

settlement agreement to ensure that it is not the result of the employer using its superior bargaining position to take advantage of the employee.”). Offers of judgment made pursuant to Rule 68 of the Federal Rules of Civil Procedure are also subject to judicial review under *Lynn’s Food* and will be scrutinized carefully for fairness prior to entry of judgment by the court. *Walker v. Vital Recovery Svcs., Inc.*, 300 F.R.D. 599, 2014 WL 2854760 (N.D. Ga. June 18, 2014).

Accordingly, the Court **NOTIFIES** the parties that settlement must be approved by the Court before the case may be closed. It is the Court’s practice to require filing of the settlement agreement on the public record. If a settlement is reached, the Court **DIRECTS** the parties to file a joint motion for approval of the settlement agreement, attaching the settlement agreement to the motion. The Court will then hold a telephone conference to discuss settlement approval.

**SO ORDERED** this 26th day of November, 2018.



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MICHAEL L. BROWN  
UNITED STATES DISTRICT JUDGE